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**OCT 25 2004**

**PATENT  
ATTORNEY DOCKET NO.: LEAPS-C5  
CUSTOMER NO: 36038**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

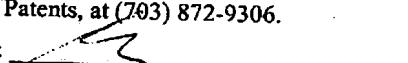
In Re Application of:  
M. Seul.

Serial No. 09/688,573

Filed: 10/17/2000

For: Light-Controlled Electrokinetic Assembly  
of Particles Near Surfaces

)  
Group Art Unit: 1753  
)  
Examiner: K. Mayekar  
)  
I hereby certify that, on the date indicated below, this  
correspondence was sent by fax to the Commissioner  
for Patents, at (703) 872-9306.

)  
By: 

Date: 10/26/2004

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**Amendment and Response**

Dear Sir:

In response to the Office Action of 9/17/2004, please enter the claims in the claim listing which commences on page 6, and reconsider the rejections in view of the following remarks.

**REMARKS**

Applicant has made amendments to overcome the rejections under Section 112, paragraph 2, and has also made other amendments not related to any rejection. The Examiner has rejected claims 18, 20, 22-30, 51, 52, 54 and 55 under Section 103(a) over Mitchell et al. The claims in the application are directed to an apparatus for performing a process which is **not electrophoretic deposition**,<sup>1</sup> wherein, upon application of an AC voltage to a substrate (with or without application of a DC "bias" or voltage), a liquid medium (including suspended polarizable particles) is moved substantially parallel to the direction of the electrode surface (normal to the direction of the electric field). The

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<sup>1</sup> The fact that the apparatus claimed does **not** perform electrophoretic deposition is emphasized in the specification, page 3, last paragraph of page 19, and first paragraph of page 20, where it is noted that the electrophoretic deposition process was well known at the time the application was filed.